

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:22-cv-00140-MR**

RAHYIM D. ALLAH,

Plaintiff,

vs.

RONNIE L. HUNEYCUTT, et al.,

Defendants.

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ORDER

THIS MATTER is before the Court on Plaintiff's filing of purported trial Subpoenas in this matter. [Doc. 39].

Pro se Plaintiff Rahyim D. Allah ("Plaintiff") is a prisoner of the State of North Carolina currently incarcerated at Alexander Correctional Institution in Taylorsville, North Carolina. On October 3, 2022, Plaintiff filed this action pursuant to 42 U.S.C. § 1983. [Doc. 1]. Plaintiff's Eighth Amendment individual capacity claims passed initial review. [Doc. 11]. The Court entered its scheduling order and the North Carolina Prisoner Legal Services (NCPLS) declined to represent the Plaintiff. [Docs. 31, 32]. The discovery deadline expired on July 19, 2023, and the dispositive motions deadline is August 18, 2023. [Doc. 31]. Recently, the Court denied without prejudice Plaintiff's "Motion to the Courts for EXTENSION of Time" [Doc. 38] for

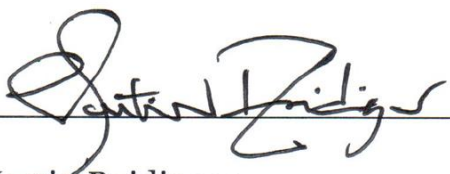
Plaintiff's failure to state what deadline or deadlines he wants extended or how much additional time he needs. [7/24/2023 Text Order]. Now before the Court are handwritten, purported trial Subpoenas commanding the attendance of two witnesses, Nicole M. Ford, physical therapist, and Eric E. Baker, physical therapist assistant, at "a hearing or trial" in this matter. [Doc. 39]. The Court will strike these documents.¹ This matter has not been set for trial and trial subpoenas are not filed with the Court in any event. Plaintiff is advised that cases proceed to trial only after they survive summary judgment and are not thereafter resolved through a judicial settlement conference.

ORDER

IT IS, THEREFORE, ORDERED that Plaintiff's filing [Doc. 39] is hereby **STRICKEN** from the record in this matter.

IT IS SO ORDERED.

Signed: August 14, 2023



Martin Reidinger
Chief United States District Judge



¹ The Court has previously admonished Plaintiff that improper filings in this matter may be summarily stricken. [Doc.37 at 2].